

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Beckley**

FILED

JAN 29 2003

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Courts
Southern District of West Virginia

**GREENBRIER CLINIC, INC., a West Virginia corporation,
ALBERT SCHWABE II, DAVID GIBSON, and
CSX HOTELS, INC., d/b/a THE GREENBRIER RESORT,
a West Virginia Corporation,**

Plaintiffs,

vs.

Civil Action No. 5:03-0075

**CITY OF WHITE SULPHUR SPRINGS, WEST VIRGINIA,
DEBRA JO FOGUS, CHRIS HANNA, PAUL HOBBS, JAMES HYLTON,
DELORES MATTOX, DON McCOY and RICK ROMEO,**

Defendants.

COMPLAINT

COME NOW the plaintiffs, Greenbrier Clinic, Inc., a West Virginia corporation, Albert Schwabe II, David Gibson and CSX Hotels, Inc., d/b/a The Greenbrier Resort, a West Virginia corporation, and for their complaint for relief state:

PARTIES AND JURISDICTION

1. Albert Schwabe II is a freeholder and resident of property located outside the municipal boundaries of the City of White Sulphur Springs, but within the additional territory proposed to be annexed into the City of White Sulphur Springs.
2. CSX Hotels, Inc., d/b/a The Greenbrier (hereinafter "The Greenbrier "), is a West Virginia corporation that owns and operates The Greenbrier Resort and related facilities on parcels of land owned in fee by The Greenbrier and located in Greenbrier County, West

Virginia, outside the municipal boundaries of the City of White Sulphur Springs, but within the additional territory proposed to be annexed into the City of White Sulphur Springs.

3. David Gibson is an individual proprietor conducting business operations on land owned in fee by The Greenbrier and leased by The Greenbrier to David Gibson. Said leasehold on which David Gibson operates Gibson's Of The Greenbrier is located in Greenbrier County, West Virginia, outside the municipal boundaries of the City of White Sulphur Springs, but within the additional territory proposed for annexation into the City of White Sulphur Springs. David Gibson is not a resident or freeholder of the City of White Sulphur Springs or of the additional territory proposed for annexation into the City of White Sulphur Springs.

4. Greenbrier Clinic, Inc. (hereinafter the "Greenbrier Clinic") is a West Virginia corporation conducting business operations on land owned in fee by The Greenbrier and leased by The Greenbrier to Greenbrier Clinic. Said leasehold is located in Greenbrier County, West Virginia, outside the municipal boundaries of the City of White Sulphur Springs, but within the area proposed for annexation into the City of White Sulphur Springs.

5. The City of White Sulphur Springs is a West Virginia municipal corporation created pursuant to the laws of West Virginia and has been given the power to sue and be sued.

6. Debra Jo Fogus is the Mayor of the City of White Sulphur Springs.

7. Chris Hanna, Paul Hobbs, James Hylton, Delores Mattox, and Don McCoy are the members of the City Council of the City of White Sulphur Springs.

8. Rick Romeo is the Recorder of the City of White Sulphur Springs.

9. Debra Jo Fogus, Rick Romeo, Chris Hanna, Paul Hobbs, James Hylton, Delores Mattox, and Don McCoy each possess a vote on matters coming before City Council, which is the governing body of the City of White Sulphur Springs.

10. The Court has jurisdiction over this matter based upon federal question jurisdiction under 28 U. S. C. § 1331. Declaratory and injunctive relief are authorized by 28 U. S. C. § 2201 and 28 U. S. C. § 2202.

FACTS

11. At a regular meeting of the City Council on February 11, 2002, a Petition for Annexation and certain maps were presented to the City Council of the City of White Sulphur Springs.

12. Without examination of the Petition for Annexation or the accompanying maps, and without notice of such action on the agenda of the council meeting, the City Council set an amount of the bond to be posted by the petitioners for annexation, and set March 5, 2002, as the date for special elections to vote upon the petition for annexation.

13. An Order of Annexation was entered by Mayor Debra Jo Fogus on February 13, 2002 setting March 5, 2002, as the date for special elections to vote upon the petition for annexation.

14. By action taken at an emergency meeting of the City Council of the City of White Sulphur Springs on February 26, 2002, the City of White Sulphur Springs cancelled the annexation elections scheduled for March 5, 2002, because the holding of the annexation elections on March 5, 2002, would not have complied with applicable requirements for absentee balloting.

15. On or about December 2002 and January 2003, members of the City Council of White Sulphur Springs undertook to solicit signatures for a new petition for annexation, and

pursuant to the direction of the Mayor Debra Jo Fogus, employees of City posted the petition for annexation in City Hall and solicited signatures from the public during the course of their duties; and Councilman James Hylton, while in his uniform of the Chief of Police of White Sulphur Springs and while accompanied by another police officer in uniform solicited signatures for the annexation petition.

16. By Resolution No. 2003-1 (a copy of which is attached hereto as Exhibit A) adopted by a majority vote of the City Council of the City of White Sulphur Springs on January 15, 2003, the City of White Sulphur Springs stated that it had determined that the annexation petition accepted by the City on February 11, 2002, "was flawed in that it did not contain an acceptable metes and bounds description of the territory to be annexed, and did not contain a survey map."

17. Notwithstanding that Mayor Debra Jo Fogus had previously reported to the public at a meeting of the City Council of the City of White Sulphur Springs that an annexation election could not be set without violating federal or state laws relating to the setting of a date for the election, Mayor Debra Jo Fogus, as petitioner and purporting to act in fulfillment of the duty of her office as Mayor of the City of White Sulphur Springs, presented to the City Council of the City of White Sulphur Springs a petition for annexation (a copy of which is attached hereto as Exhibit B) on January 15, 2003.

18. By Resolution No.2003-1(a copy of which is attached hereto as Exhibit A) adopted by a majority vote of the City Council of the City of White Sulphur Springs on January 15, 2003, the City of White Sulphur Springs accepted the annexation petition presented by Mayor Debra Jo Fogus and Ordered that annexation elections be conducted on February 14, 2003. Said Resolution further stated that absentee ballots would be accepted after

February 14, 2003, until an as yet undesignated future date to be specified by future publication. An Order For Annexation (a copy of which is attached hereto as Exhibit C) was thereupon entered by the City Recorder.

COUNT I

19. For purposes of Count I, plaintiffs reallege and incorporate by reference paragraphs 1 through 18 as though specifically set forth herein.

20. Freeholders within the additional territory proposed for annexation, regardless of whether they reside or have a place of business in the additional territory, are given a right by West Virginia Code § 8-6-2(d) to vote in the election to be conducted in the additional territory proposed for annexation.

21. The Greenbrier owns a fee interest in real property that is located within the additional territory proposed for annexation, and The Greenbrier is thus a "freeholder" within the additional territory proposed for annexation.

22. The Greenbrier leases certain portions of its real property within the additional territory proposed for annexation to individual proprietors, partnerships, foundations and corporations, including Greenbrier Clinic and David Gibson that conduct businesses on said leased property.

23. West Virginia Code § 8-6-2(j) provides that, "In any instance where a freeholder leases or rents real property to a firm or corporation the freeholder and the firm or corporation shall determine which entity will be entitled to vote in the annexation election." However, West Virginia Code § 8-6-2 provides no priority mechanism by which to determine whether the freeholder or its lessee may vote in the event that a freeholder and its lessee do not agree which party is entitled to vote.

24. West Virginia Code § 8-6-2 specifies no mechanism by which The Greenbrier and its lessee firms or corporations would be given notice whether the other party has already voted, or which will prevent a subsequent vote from being cast that may cause both the ballot of the freeholder and the ballot of its lessee to be rejected.

25. The threat to a freeholder and its lessee firms and corporations that the casting of their individual vote may inadvertently cause neither the vote of the freeholder nor the vote of the lessee to be counted places a cloud over their right to vote and inhibits their exercise of their right to vote, thus constituting an immediate and irreparable injury to freeholders and their lessee firms and corporations. The Greenbrier and its lessee firms and corporations are thus deprived of their rights to vote without due process of law; and West Virginia Code § 8-6-2 therefore violates the due process clause of the Fourteenth Amendment of the United States Constitution and is void.

COUNT II

26. Plaintiffs, for purposes of Count II, reallege and incorporate by reference paragraphs 1 through 25 as though specifically set forth herein.

27. Any "firm or corporation" conducting a business operations in the additional territory proposed for annexation is defined by West Virginia Code § 8-6-2(j) as a "qualified voter of the additional territory," and each such qualified voter is granted a right to vote pursuant to West Virginia Code § 8-6-2(d).

28. David Gibson conducts business operations in the in the additional territory proposed for annexation and has a similar interest in the annexation election as other business entities conducting business in the additional territory, but David Gibson is denied a vote because he operates his businesses as a sole proprietor, rather than as a firm or corporation.

29. There is no rational basis for allowing one class of persons operating a business in the additional territory to vote, while another class of persons operating a business in the additional territory is denied a right to vote simply because they do not operate as a firm or corporation; and David Gibson and others similarly situated are thereby deprived by West Virginia Code § 8-6-2 of the equal protection of the law; and West Virginia Code § 8-6-2 therefore violates the equal protection guaranty of the Fourteenth Amendment of the United States Constitution and is void.

COUNT III

30. Plaintiffs, for purposes of Count III, reallege and incorporate by reference paragraphs 1 through 29 as though specifically set forth herein.

31. Greenbrier Clinic and other firms or corporations that lease from a freeholder in the additional territory proposed for annexation are authorized to vote in accordance with West Virginia Code § 8-6-2(j).

32. David Gibson and other persons who operate their businesses as a sole proprietorship and who lease from a freeholder in the additional territory proposed for annexation are not authorized to vote in accordance with West Virginia Code § 8-6-2(j) simply because they operate their businesses as sole proprietors, rather than as firms or corporations. Under West Virginia Code § 8-6-2(j), a sole proprietor doing business as a Sub-S corporation and leasing from a freeholder in the additional territory is granted a right to vote, while an unincorporated sole proprietor is denied such right.

33. There is no rational basis for allowing one class of business lessees to vote, while another class of business lessees is denied a right to vote simply because they do not operate as a firm or corporation; and David Gibson and others similarly situated are thereby

deprived by West Virginia Code § 8-6-2 of the equal protection of the law; and West Virginia Code § 8-6-2 therefore violates the equal protection guaranty of the Fourteenth Amendment of the United States Constitution and is void.

COUNT IV

34. Plaintiffs, for purposes of Count IV, reallege and incorporate by reference paragraphs 1 through 33 as though specifically set forth herein.

35. West Virginia Code § 8-6-2(d) provides that “all” of the qualified voters of the additional territory may vote. West Virginia Code § 8-6-2(j) provides, “For purposes of this section, the term ‘qualified voter of the additional territory’ includes a firm or corporation in the additional territory regardless of whether the firm or corporation is a freeholder.” The Greenbrier Clinic and the Greenbrier are corporations in the additional territory proposed for annexation, and are thus each a “qualified voter” authorized to vote in the election to be conducted in the additional territory proposed for annexation.

36. The Greenbrier is also a freeholder in the additional property proposed for annexation; and Greenbrier Clinic leases property in the additional territory proposed for annexation from The Greenbrier.

37. Freeholders within the additional territory proposed for annexation, regardless of whether they reside or have a place of business in the additional territory, are given a right by West Virginia Code § 8-6-2(d) to vote in the election to be conducted in the additional territory proposed for annexation. West Virginia Code § 8-6-2(j) provides that, “In any instance where a freeholder leases or rents real property to a firm or corporation the freeholder and the firm or corporation shall determine which entity will be entitled to vote in the annexation election”, but West Virginia Code § 8-6-2 provides no priority mechanism by which to determine whether the

freeholder or its lessee may vote in the event that a freeholder and its lessee do not agree which party is entitled to vote.

38. West Virginia Code § 8-6-2 is void for vagueness and violates the due process clause of the Fourteenth Amendment of the United States Constitution because said statutory provisions fail to adequately advise The Greenbrier and its lessee firms or corporations whether, in light of the provisions of West Virginia Code § 8-6-2(j) purporting to limit a freeholder and its lessee firms and corporations to a single ballot, The Greenbrier and its lessee firms or corporations must refrain from exercising the right to vote granted to them as a “qualified voter” in order to prevent the freeholder statutory of provisions of West Virginia Code § 8-6-2(j) from voiding their own ballot and the ballots of other “qualified voters.”

39. As a result of West Virginia Code § 8-6-2(j), The Greenbrier and the Greenbrier Clinic are placed in a class of qualified voters that may be disenfranchised by the vote of another unrelated qualified voter. There is no rational basis for allowing one class of qualified voters to vote without impediment, while another class of qualified voters may be deprived of their votes as a result of having leased property to or from another qualified voter. The Greenbrier, the Greenbrier Clinic, and others similarly situated are thereby deprived West Virginia Code § 8-6-2 of the equal protection of the law; and West Virginia Code § 8-6-2 therefore violates the equal protection guaranty of the Fourteenth Amendment of the United States Constitution and is void.

COUNT V

40. Plaintiffs, for purposes of Count V, reallege and incorporate by reference paragraphs 1 through 39 as though specifically set forth herein.

41. The adoption, without statutory authority, by the City of White Sulphur Springs of election procedures that schedule an election for voters to cast their ballot in person on February 14, 2003, and also allow the casting of absentee ballots at an as yet unspecified date after February 14, 2003, violates the due process clause of the Fourteenth Amendment of the United States Constitution, and is therefore void.

42. The adoption, by the City of White Sulphur Springs of election procedures that schedule an election for voters to cast their ballot in person on February 14, 2003, and also allow the casting of absentee ballots at an as yet unspecified date after February 14, 2003, will cause those persons voting after February 14, 2003, to be influenced by events occurring subsequent to the election on February 14, 2003, and is fundamentally unfair to those persons casting their votes on February 14, 2003, and to those persons, including the plaintiffs, whose property may be annexed by such wrongful election procedures; and such procedures violate the due process clause of the Fourteenth Amendment of the United States Constitution, and are therefore void.

43. By letter (a copy of which is attached hereto as Exhibit D) dated January 24, 2003, the office of Joe Manchin III, Secretary of State of West Virginia and chief election officer of the State of West Virginia, advised defendants that there is no statutory authority for absentee voting to extend beyond election day; and further advised defendants that the scheduling of a special annexation election on February 14, 2003, was unlawful because such election provided insufficient time to comply with absentee voting requirements. Upon information and belief, defendants have determined to ignore the direction of the Secretary of State of West Virginia and to proceed with an unlawful special annexation election on February 14, 2003.

44. The adoption by the City of White Sulphur Springs, acting under the color of law, of election procedures that schedule an election for voters to cast their ballots in person on

February 14, 2003, and also allow the casting of absentee ballots at an as yet unspecified date after February 14, 2003, has or shall cause injury to plaintiffs by the deprivation and violation of plaintiffs' civil rights, namely the right to participate in fair and lawful elections and to have the status of their property rights determined by fair and lawful voting procedures; and such wrongful acts of the City of White Sulphur Springs, acting under the color of law, violate 42 U. S. C. A. § 1983, which provides redress to plaintiffs for the violation of their civil rights.

WHEREFORE, plaintiffs pray that this Honorable Court grant the following relief against the defendants:

1. That, pursuant to 28 U. S. C. § 2403(b), the Court certify to the West Virginia Attorney General that the constitutionality of West Virginia Code § 8-6-2 is in question, and permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality.
2. That the Court declare that West Virginia Code § 8-6-2 violates the due process and equal protection clauses of the United States Constitution, and is therefore null and void.
3. That the Court immediately enjoin the defendants from any and all further actions toward the holding of the proposed annexation election scheduled for February 14, 2003, and from any other attempts to conduct annexation elections pursuant to West Virginia Code § 8-6-2.
4. That the Court permanently enjoin the defendants from any and all further actions toward the holding of the proposed annexation election scheduled for February 14, 2003, and from any other attempts to conduct annexation elections pursuant to West Virginia Code § 8-6-2.

5. That plaintiffs be granted their costs and attorney fees, and that plaintiffs be granted such other and further relief as the Court may deem to be just and proper under the circumstances.

GREENBRIER CLINIC, INC., a West Virginia corporation, ALBERT SCHWABE II, DAVID GIBSON, and CSX HOTELS, INC., d/b/a THE GREENBRIER RESORT

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EXHIBIT A

RESOLUTION
Annexation

NO. 2003-1

WHEREAS, at its regular meeting on Monday, February 11, 2002, the governing body of the city of White Sulphur Springs, West Virginia (the "City") was presented with a petition signed by nearly 200 of the City's property owners requesting that an election be held to annex certain property into the City; and

WHEREAS, the City responded to the annexation petition in accordance with the law of the state of West Virginia, including scheduling an election; and

WHEREAS, the City subsequently determined that the petition was flawed in that it did not contain an acceptable metes and bounds description of the territory to be annexed, and it did not contain a survey map. Accordingly, the City cancelled the election; and

WHEREAS, the City has been presented this day with a new petition signed by more than five percent (5%) of the freeholders of the City requesting that an election be held to annex certain property into the City; and

WHEREAS, the City has determined that this new petition meets all of the requirements of West Virginia law including the metes and bounds description of the territory proposed for annexation and a survey map; therefore, be it

Resolved by the Governing Body of the City of White Sulphur Springs, West Virginia

THAT, the City shall refund the \$2,500 bond posted on the original petition for annexation to the petitioner who verified that petition; and

THAT, the City shall order the current petitioners to post a bond in the amount of \$2,500; and

THAT, the City hereby **ORDERS** that an election will be conducted by the City on the petition for annexation on February 14, 2003 at the White Sulphur Springs civic center. Two separate elections shall be held on that day but at the same place. The qualified voters of the City shall vote separately from the freeholders and qualified voters of the territory to be annexed; and

THAT, absentee voting will be permitted in accordance with federal and state law. The City will post and advertise the dates for the absentee voting period, which by necessity will extend past the scheduled date of the election. No votes shall be counted until the absentee voting period ends.

Adopted this 15th day of January 2003.


CITY OF WHITE SULPHUR SPRINGS

By Its:



EXHIBIT B

PETITION FOR ANNEXATION

We, the undersigned freeholders of the city of White Sulphur Springs, West Virginia (the "City"), hereby petition the governing body of the City to conduct an election regarding the expansion of the corporate limits of the City by annexing property that lies near the City in the White Sulphur Springs district. The metes and bounds and popular descriptions of the property for which we petition for an election regarding annexation are as follows:

Metes and Bounds

BEGINNING at a concrete right of way marker located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162, said point being on the western property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541, Office of the Clerk for the County Commission of Greenbrier County and being 226 feet left of Interstate Route 64 centerline Station 1910+34.00; thence along the western property line as follows: north 42 degrees 28 minutes 10 seconds east, 2,294.30 feet to a concrete monument; north 47 degrees 13 minutes 20 seconds east, 4,392.34 feet to a concrete monument; north 80 degrees 20 minutes 40 seconds east, 6,102.71 feet to a beech tree; north 39 degrees 46 minutes 50 seconds east, 2,403.72 feet to a concrete monument; north 35 degrees 24 minutes 10 seconds east, 2,085.08 feet to a concrete monument; north 30 degrees 17 minutes 40 seconds east, 2,405.84 feet to a concrete monument; north 33 degrees 17 minutes east, 3,745.83 feet to a white oak tree; north 24 degrees 22 minutes 10 seconds east, 1,046.77 feet to a chestnut oak tree; north 18 degrees 36 minutes 30 seconds east, 7,875.10 feet to a concrete monument located on the northern property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541; thence along the northern property line as follows: south 52 degrees 36 minutes 10 seconds east, 3,924.52 feet to a concrete monument; south 84 degrees 17 minutes west, 537.75 feet to a concrete monument; south 01 degrees 41 minutes 50 seconds west, 1,000.91 feet to a concrete monument; south 19 degrees 27 minutes 10 seconds west, 784.15 feet to a beech tree; south 86 degrees 48 minutes east, 430.88 feet to a concrete monument; north 20 degrees 55 minutes 40 seconds east, 330.42 feet to a concrete monument; north 74 degrees 34 minutes 30 seconds east, 200.45 feet to a concrete monument; south 19 degrees 29 minutes 10 seconds west, 704.89 feet to a concrete monument; north 74 degrees 39 minutes 50 seconds east, 1,594.36 feet to a concrete monument; south 66 degrees 06 minutes 10 seconds east, 591.51 feet to a concrete monument; north 83 degrees 05 minutes 30 seconds east, 326.50 feet to a concrete monument located on the eastern property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541; thence along the eastern property line as follows: south 16 degrees 13 minutes 40 seconds west, 936.87 feet to a concrete monument; south 42 degrees 53 minutes 40 seconds west, 5,190.08 feet to a concrete monument; south 20 degrees 39 minutes 10 seconds west, 2,662.47 feet to a concrete monument; south 17 degrees 03 minutes 50 seconds west, 485.47 feet to a concrete monument;

south 78 degrees 55 minutes east, 787.14 feet to a concrete monument; south 45 degrees 05 minutes 40 seconds west, 3,003.86 feet to a concrete monument; south 57 degrees 54 minutes 50 seconds east, 865.34 feet to a concrete monument; south 78 degrees 01 minutes 10 seconds east, 699.31 feet to a concrete monument located on the western corporation line of the City of White Sulphur Springs; thence along the western corporation line of the City of White Sulphur Springs as follows: south 40 degrees 57 minutes 30 seconds east, 315.42 feet to a concrete monument; south 50 degrees 25 minutes 30 seconds east, 3,053.07 feet to a concrete monument; south 56 degrees 31 minutes 10 seconds west, 611.07 feet to a concrete monument; south 52 degrees 58 minutes east, 605.10 feet to a concrete monument; north 72 degrees 47 minutes 30 seconds east, 300.00 feet to an iron pin; south 20 degrees 23 minutes 30 seconds east, 427.00 feet to a concrete monument; south 21 degrees 45 minutes 22 seconds west, 1,151.00 feet to a point located northern existing right of way line of U. S. Route 60; thence south 50 degrees 14 minutes 38 seconds east, crossing U. S. Route 60, 60.00, more or less, to a point on the southern existing right of way line of U. S. Route 60 and the northern existing right of way line of CSX Transportation, Inc., and continuing 278.00 feet, more or less, across CSX and with the western corporation line of the City of White Sulphur Springs (in all 338.00 feet) to a point in the southern existing right of way line of CSX Transportation, Inc.; thence with the southern existing right of way line of CSX Transportation, Inc. and continuing with the western corporation line of the City of White Sulphur Springs as follows: north 44 degrees 24 minutes 52 minutes east, 921.00 feet to a point; north 39 degrees 21 minutes 23 minutes east, 757.00 feet to a point; north 43 degrees 32 minutes 02 minutes east, 412.00 feet to a point; northeasterly with a curve to the right having a radius of 1,580.00 feet, an arc length of 1,378.36 feet to a point located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(5)167, and being 240 feet left of Interstate Route 64 centerline Station 2195+30; thence with the northern existing controlled access right of way line for I-64 as follows: south 35 degrees 09 minutes 28 seconds west, 240.00 feet to a point: south 15 degrees 47 minutes 47 seconds west, 74.00 feet to a point: south 71 degrees 12 minutes 45 seconds west, 305.00 feet to a point: south 13 degrees 30 minutes 47 seconds west, 34.00 feet to a point: south 70 degrees 55 minutes 07 seconds west, 98.00 feet to a point: south 26 degrees 56 minutes 39 seconds east, 89.00 feet to a point: south 35 degrees 08 minutes 01 seconds west, 574.00 feet to a point: north 47 degrees 00 minutes 10 seconds west, 499.00 feet to a point: south 45 degrees 19 minutes 05 seconds west, 988.00 feet to a point: south 47 degrees 00 minutes 10 seconds east, 498.00 feet to a point: south 45 degrees 37 minutes 16 seconds west, 1,139.00 feet to a point: south 32 degrees 04 minutes 13 seconds west, 494.00 feet to a point: south 64 degrees 46 minutes 51 seconds west, 819.00 feet to a point: south 45 degrees 40 minutes 05 seconds west, 564.00 feet to a point: south 45 degrees 19 minutes 09 seconds west, 640.00 feet to a point: south 45 degrees 14 minutes 44 seconds west, 803.00 feet to a point: south 52 degrees 06 minutes 55 seconds west, 2,804.00 feet to a point: north 26 degrees 36 minutes 38 seconds west, 50.00 feet to a point; north 85 degrees 55 minutes 28 seconds west, 190.00 feet to a point: south 49 degrees 08 minutes 58 seconds west, 47.00 feet to a point: south 40 degrees 08 minutes 31 seconds east, 94.00 feet to a point: south 76 degrees 15 minutes 16 seconds west, 1,380.00 feet to a point: south 82 degrees 31 minutes 57 seconds west, 700.00 feet to a point: south 84 degrees 19 minutes 57 seconds west, 617.00 feet to a point: southwesterly with a curve to the right having a radius of 2,090.00 feet, an arc length of 496.00 feet to a point; south 85 degrees 25 minutes 35 seconds west, 919.00 feet to a point: north

67 degrees 54 minutes 36 seconds west, 556.00 feet to a point; south 87 degrees 04 minutes 06 seconds west, 570.00 feet to a point; north 77 degrees 39 minutes 53 seconds west, 817.00 feet to a point located on the northern existing right of way line of CSX Transportation, Inc.; southwesterly with a curve to the left having a radius of 1,820.00 feet, an arc length of 322.80 feet crossing I-64 right of way to a point located in the southern existing controlled access right of way line of I-64 and the northern existing right of way line of CSX Transportation, Inc.; thence with the northern existing right of way line of CSX Transportation, Inc. as follows: southwesterly with a curve to the right having a radius of 1,580.00 feet, an arc length of 504.18 feet to a point located on the southern property line of the lands now of formerly owned by Town of White Sulphur Springs of record in Deed Book 157, Page 296; thence along the southern property line of the lands now of formerly owned by Town of White Sulphur Springs as follows: south 68 degrees 30 minutes 59 seconds west, 101.00 feet to a point; north 19 degrees 14 minutes 41 seconds west, 30.00 feet to a point; south 71 degrees 34 minutes 39 seconds west, 172.00 feet to a point; north 84 degrees 50 minutes 11 seconds west, 418.00 feet to a point; north 21 degrees 06 minutes 30 seconds east, 315.00 feet to a point located on the southern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence with the southern existing controlled access right of way line for I-64 as follows: north 89 degrees 46 minutes 42 seconds west, 931.00 feet to a point on the property line of the lands now or formerly owned by Bobby Callison, of record in Deed Book 292, Page 389; thence along the property line of the lands now or formerly owned by Bobby Callison as follows: south 02 degrees 52 minutes 23 seconds east, 53.00 feet to a point; south 87 degrees 07 minutes 37 seconds west, 120.00 feet to a point; north 02 degrees 52 minutes 23 seconds west, 59.00 feet to a point located on the southern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence along the southern existing controlled access right of way line for I-64 as follows: north 89 degrees 43 minutes 30 seconds west, 200.00 feet to a point; south 82 degrees 35 minutes 04 seconds west, 1,398.00 feet to a point located on the eastern existing right of way line of Greenbrier County Route 60/14; thence along the eastern existing right of way line of Greenbrier County Route 60/14 as follows: south 03 degrees 05 minutes 54 seconds west, 535.00 feet to a point; south 13 degrees 35 minutes 42 seconds east, 303.00 feet to a point in the northern existing right of way line of CSX Transportation, Inc.; thence along the northern existing right of way line of CSX Transportation, Inc. as follows: south 78 degrees 18 minutes 36 seconds west crossing Greenbrier County Route 60/14, 154.00 feet to a point in the western existing right of way of Greenbrier County Route 60/14; north 09 degrees 21 minutes 55 seconds west along the western existing right of way line of Greenbrier County Route 60/14, 22.00 feet to an iron pin; leaving said existing right of way line of Greenbrier County Route 60/14 and continuing with said northern existing right of way line of CSX Transportation, Inc. south 80 degrees 04 minutes 59 seconds west 98.00 feet to a point; south 82 degrees 35 minutes 39 seconds west, 126.00 feet to a point; south 85 degrees 45 minutes 19 seconds west, 117.00 feet to a point; south 88 degrees 59 minutes 29 seconds west, 84.00 feet to a point; north 87 degrees 52 minutes 11 seconds west, 91.00 feet to a point; north 84 degrees 11 minutes 41 seconds west, 97.00 feet to a point; north 79 degrees 18 minutes 41 seconds west, 154.00 feet to a point; north 73 degrees 35 minutes 01 seconds west, 132.00 feet to a point; north 68 degrees 34 minutes 51 seconds west, 122.00 feet to a point; north 63 degrees 42 minutes 11 seconds west, 123.00 feet to a point; north 58 degrees 55 minutes 31 seconds west, 116.00 feet to a point; north

54 degrees 06 minutes 01 seconds west, 123.00 feet to a point; north 48 degrees 43 minutes 31 seconds west, 213.00 feet to a point; north 48 degrees 26 minutes 41 seconds west, 215.00 feet to a point; north 55 degrees 21 minutes 41 seconds west, 115.00 feet to a point; south 34 degrees 38 minutes 19 seconds west, 30.00 feet to a point; north 55 degrees 22 minutes 11 seconds west, 70.00 feet to a point; north 64 degrees 07 minutes 21 seconds west, 147.00 feet to a point; north 72 degrees 03 minutes 01 seconds west, 154.00 feet to a point; north 79 degrees 24 minutes 01 seconds west, 195.00 feet to an iron pin located on the southern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence north 57 degrees 34 minutes 16 seconds west crossing I-64, 609.00 feet to a point located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence along the northern existing controlled access right of way line for I-64 as follows; south 88 degrees 07 minutes 18 seconds west, 329.00 feet to a point; north 72 degrees 31 minutes 50 seconds west, 909.00 feet to a point located in the southern existing right of way line of U. S. Route 60; thence with the southern existing right of way line of U. S. Route 60 and continuing with the northern existing controlled access right of way line for I-64 as follows: north 67 degrees 52 minutes 42 seconds west, 70.00 feet to a point; south 87 degrees 51 minutes 56 seconds east, 5.00 feet to a point; southwesterly with a curve to the right having a radius of 241.00 feet an arc length of 278.00 feet to a point; north 65 degrees 57 minutes 24 seconds west, 336.00 feet to a point; south 23 degrees 16 minutes 21 seconds west, 47.00 feet to a point; north 66 degrees 11 minutes 26 seconds west, 706.00 feet to a point; north 24 degrees 02 minutes 38 seconds east, 55.00 feet to a point on the northern existing controlled access right of way line for I-64 and the southern existing right of way line of U. S. Route 60; north 59 degrees 29 minutes 20 seconds west, 403.00 feet crossing the existing right of way line of U. S. Route 60 to a point on the northern existing right of way line of U. S. Route 60 and the northern existing controlled access right of way line for I-64; thence along the northern existing controlled access right of way line for I-64 as follows: north 50 degrees 41 minutes 23 seconds west, 693.00 feet to a point; north 63 degrees 16 minutes 53 seconds west, 433.00 feet to a point; north 50 degrees 00 minutes 05 seconds west, 673.00 feet to the POINT OF BEGINNING and containing 5,181.71 acres, more or less, which includes 29.87 acres, more or less, of land already located within the corporate limits of the City of White Sulphur Springs and 18.03 acres of existing right of way for U. S. Route 60 and County Route 60/14, and 54.06 acres, more or less, of existing controlled access right of way for I-64.

The aforesaid tract to be annexed is shown and described on that certain survey map attached hereto and referenced in Exhibit A, which is attached hereto and incorporated herein by reference.

Popular Name

The popular name for this territory to be annexed is the business district from approximately an area on U.S. Route 60 known as Pines Curve just West of the Harts Run interchange of Interstate 64 to the current corporate limits of White Sulphur Springs, and all land currently or formerly owned by The Greenbrier Sporting Club and CSX Hotels, Inc. d/b/a The Greenbrier Resort, as well as their related companies.

VERIFICATION

I, Debra Jo Fogus, being first duly sworn on oath, depose and say that I am a freeholder of property located within the corporate limits of the city of White Sulphur Springs (the "City"), that the signatures on this "Petition for Annexation" are genuine signatures of freeholders of property located within the City, that the number of signatures on this "Petition for Annexation" exceeds five percent (5%) of the freeholders in the city, and that all other requirements of West Virginia law relating to this "Petition for Annexation" have been met.

Debra Jo Fogus
Printed Name

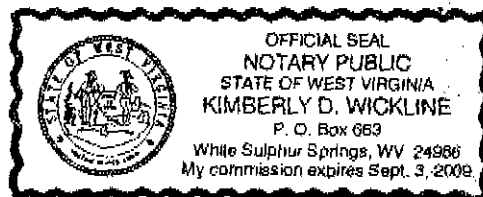
Debra Jo Fogus
Signature

STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER, TO WIT:

Taken, subscribed and sworn to before me, Kimberly D. Wickline, a notary public in the county and state aforesaid, on this 15 day of January 2003.

My commission expires:

September 3, 2009



Kimberly D. Wickline
Notary Public

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
1	N 42° 28' 10" E	2294.3
2	N 47° 13' 20" E	4392.34
3	N 80° 20' 40" E	6102.71
4	N 39° 46' 50" E	2403.72
5	N 35° 24' 10" E	2085.08
6	N 30° 17' 40" E	2405.84
7	N 33° 17' E	3745.83
8	N 24° 22' 10" W	1046.77
9	N 18° 36' 30" E	7875.10
10	S 52° 36' 10" E	3924.52
11	S 84° 17' W	537.75
12	S 01° 41' 50" W	1000.91
13	S 19° 27' 10" W	784.15
14	S 86° 48' E	430.88
15	N 20° 55' 40" E	330.42
16	N 74° 34' 30" E	200.45
17	S 19° 29' 10" W	704.89
18	N 74° 39' 50" E	1594.36
19	S 66° 06' 10" E	591.51
20	N 83° 05' 30" E	326.50
21	S 16° 13' 40" W	936.87
22	S 42° 53' 40" W	5190.08
23	S 20° 39' 10" W	2662.47
24	S 17° 03' 50" W	485.47
25	S 78° 55' E	787.14
26	S 45° 05' 40" W	3003.86
27	S 57° 54' 50" E	865.34
28	S 78° 01' 10" E	699.31
29	S 40° 57' 30" E	315.42
30	S 50° 25' 30" E	3053.07
31	S 56° 31' 10" W	611.07
32	S 52° 58' E	605.10
33	N 72° 47' 30" E	300
34	S 20° 23' 30" E	427
35	S 21° 45' 22" W	1151
36	S 50° 14' 38" E	338
37	N 44° 24' 52" E	921
38	N 39° 21' 23" E	757
39	N 43° 32' 02" E	412
40	CURVE R=1580	L=1378.36

E.L.L. + 1

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
41	S 35° 09' 28" W	240
42	S 15° 47' 47" W	74
43	S 71° 12' 45" W	305
44	S 13° 30' 47" W	34
45	S 70° 55' 07" W	98
46	S 26° 56' 39" E	89
47	S 35° 08' 01" W	574
48	N 47° 00' 10" W	499
49	S 45° 19' 05" W	988
50	S 47° 00' 10" E	498
51	S 45° 37' 16" W	1139
52	S 32° 04' 13" W	494
53	S 64° 46' 51" W	819
54	S 45° 40' 05" W	564
55	S 45° 19' 09" W	640
56	S 45° 14' 44" W	803
57	S 52° 06' 55" W	2804
58	N 26° 36' 38" W	50
59	N 85° 55' 28" W	190
60	S 49° 08' 58" W	47
61	S 40° 08' 31" E	94
62	S 76° 15' 16" W	1380
63	S 82° 31' 57" W	700
64	S 84° 19' 57" W	617
65	CURVE R=2090	L=496
66	S 85° 25' 35" W	919
67	N 67° 54' 36" W	556
68	S 87° 04' 06" W	570
69	N 77° 39' 53" W	817
70	CURVE R=1820	322.80
71	CURVE R=1580	504.14
72	S 68° 30' 59" W	101
73	N 19° 14' 41" W	30
74	S 71° 34' 39" W	172
75	N 84° 50' 11" W	418
76	N 21° 06' 30" E	315
77	N 89° 46' 42" W	931
78	S 02° 52' 23" E	53
79	S 87° 07' 37" W	120
80	N 02° 52' 23" W	59
81	N 89° 43' 30" W	200

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
82	S 82° 35' 04" W	1398
83	S 03° 05' 54" W	535
84	S 13° 35' 42" E	303
85	S 78° 18' 36" W	154
86	N 09° 21' 55" W	22
87	S 80° 04' 59" W	98
88	S 82° 35' 39" W	126
89	S 85° 45' 19" W	117
90	S 88° 59' 29" W	84
91	N 87° 52' 11" W	91
92	N 84° 11' 41" W	97
93	N 79° 18' 41" W	154
94	N 73° 35' 01" W	132
95	N 68° 34' 51" W	122
96	N 63° 42' 11" W	123
97	N 58° 55' 31" W	116
98	N 54° 06' 01" W	123
99	N 48° 43' 31" W	213
100	N 48° 26' 41" W	215
101	N 55° 21' 41" W	115
102	S 34° 38' 19" W	30
103	N 55° 22' 11" W	70
104	N 64° 07' 21" W	147
105	N 72° 03' 01" W	154
106	N 79° 24' 01" W	195
107	N 57° 34' 16" W	609
108	S 88° 07' 18" W	329
109	N 72° 31' 50" W	909
110	N 67° 52' 42" W	70
111	S 87° 51' 56" E	5
112	CURVE R=241	L=278
113	N 65° 57' 24" W	336
114	S 23° 16' 21" W	47
115	N 66° 11' 26" W	706
116	N 24° 02' 38" E	55
117	N 59° 29' 20" W	403
118	N 50° 41' 23" W	693
119	N 63° 16' 53" W	433
120	N 50° 00' 05" W	673

TOTAL AREA = 5181.71 ACRES

TOTAL AREA INCLUDES 29.87 ACRES ALREADY LOCATED WITHIN
CORPORATE LIMITS.

TOTAL AREA INCLUDES 18.03 ACRES OF EXISTING RIGHT OF WAY FOR
US ROUTE 60 AND GREENBRIER COUNTY ROUTE 60/14.

TOTAL AREA INCLUDES 54.06 ACRES OF EXISTING CONTROLLED
ACCESS RIGHT OF WAY FOR I-64.

PETITION FOR ANNEXATION

JANUARY 2003

	<u>Printed Name</u>	<u>Signature</u>	<u>Physical Address</u>
1.	Carol F. Carter	Carol F. Carter	1008 Boston Rd.
2.	ALBERTA FRANKLIN	ALBERTA FRANKLIN	1206 Grand St
3.	Tracie Grooms	Tracie Grooms	80 Riforme Circle
4.	Mary Ann Campbell	Mary Ann Campbell	Cherry Hill Subdivision
5.	Dee's Campbell RAYMOND PENN	Dee's Campbell	Cherry Hill Subdivision
6.	Raymond Penn	Raymond Penn	79 Melrose Circle
7.	MICHAEL BURNS	MICHAEL BURNS	25 Spruce Circle
8.	Melinda Burns	Melinda Burns	25 Spruce Circle
9.	Dale Mann	Dale Mann	57 Circle Lane
10.	Charlotte Stevens	Charlotte Stevens	201 Elm St

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	HAZEL BRUNN	<u>Hazel Brunner</u>	590 Priesthood.
2.	TOMAS C. SWANN	<u>Thomas C. Swann</u>	60 CIRCLE LANE
3.	MIRGINIA C. SWANN	<u>Mirginia C. Swann</u>	100 CIRCLE LANE
4.	ALICE R. C. DOOLEY	<u>Alice R. C. Dooley</u>	5411 W. 10th Ave
5.	ALICE R. C. DOOLEY	<u>Alice R. C. Dooley</u>	48 ABILEE LAKE, MISS. VAL.
6.	CHARLOTTE E. HAYNES	<u>Charlotte E. Haynes</u>	48 CIRCLE LAKE, MISS. VAL.
7.	SHERRILL C. BURNS	<u>Sherrill C. Burns</u>	45 CIRCLE LAKE, MISS. VAL.
8.	JOAN WILLMER	<u>Joan Willmer</u>	930 TUCKER LANE, MISS. VAL.
9.	GERALDINE MIDDLEY	<u>Geraldine Middley</u>	940 TUCKER LANE, MISS. VAL.
10.	FRANK MOSLEY	<u>Frank Mosley</u>	940 TUCKER LANE, MISS. VAL.

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name	Signature	Physical Address
1. <u>AMES, B. ELLERY, JR.</u>	<u>James R. Ellery, Jr.</u>	<u>515 E. G. DORRIST RD.</u>
2. <u>Valle</u>	<u>David Churchman</u>	<u>60 East Main, (Hillsboro)</u>
3. <u>Violet Masters</u>	<u>Violet H. Masters</u>	<u>3951 Allen Ave</u>
4. <u>Nancy Claven</u>	<u>Nancy Claven</u>	<u>50 Woodlawn St.</u>
5. <u>Tommy NAPIEN</u>	<u>Tommy Napien</u>	<u>9999 AVE.</u>
6. <u>Ernie L. Napier</u>	<u>Ernie L. Napier</u>	<u>" "</u>
7. <u>HELENE THOMPSON</u>	<u>Heleene Thompson</u>	<u>119 Wheeler St.</u>
8. <u>Madeline</u>	<u>MARLENEUTER</u>	<u>121 S. Spgs.</u>
9. <u>Linda Harper</u>	<u>Linda Harper</u>	<u>500 EAST MAIN ST</u>
10. <u>Louis Neumann</u>	<u>Louis Neumann</u>	<u>9199 N. BACKLICK</u>
		<u>Whitaker Spgs. Ave</u>
		<u>601 Tolakhu RD. W.S.</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	Charles E. Feunoy Sr.	Charles E. Feunoy Jr.	PO Box 304 413 Representative
2.	Deets Feunoy	Deets Feunoy	12 MT. AVE
3.	P. Sweeney	P. Sweeney	10 Gum St
4.	Deivy L. Taylor	Deivy L. Taylor	8990 Tarkenton Rd.
5.	Sharon Terrell	Sharon Terrell	Freeland Ave - Topless bar
6.	Reynold C. Arnold	Reynold C. Arnold	117 Ingleside Ave.
7.	Roberta L. Arnold	Roberta L. Arnold	117 Ingleside Ave.
8.	Jeff Cook	Jeff Cook	11612r Ave.
9.	Frankie M. Conner	Frankie M. Conner	135 Clay St 455.
10.	Charles E. Feunoy	Charles E. Feunoy	35 Kilbree Ct WISS, AL.

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Sitida Motley</u>	<u>Sitida Motley</u>	<u>70 Cuckoo Lane W.S.S.</u>
2.	<u>GENEVA BOONE</u>	<u>Geneva Boone</u>	<u>14, Lorraine St W.S.S.</u>
3.	<u>Harold Spinks</u>	<u>Harold Spinks</u>	<u>46 Terrace St W.S.S.</u>
4.	<u>Williamine Spinks</u>	<u>Williamine Spinks</u>	<u>46 Terrace St W.S.S.</u>
5.	<u>TYRON D. RICE</u>	<u>Tyron D. Rice</u>	<u>82 Terrace Dr.</u>
6.	<u>Vida MARRA</u>	<u>Vida MARRA</u>	<u>290 Mulberry Dr.</u>
7.	<u>IDA-ALDERMAN</u>	<u>Ida Alderman</u>	<u>264 Mulberry Dr.</u>
8.	<u>FRANCES HOKE</u>	<u>Frances Hoke</u>	<u>113 Miller Field</u>
9.	<u>Catherine B. Hayes</u>	<u>Catherine B. Hayes</u>	<u>36 Harbor Lane</u>
10.	<u>Cynthia K. Wylke</u>	<u>Cynthia K. Wylke</u>	<u>40 Harbor Lane</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	WILLIE M. GLOVER	<u>Willie M. Glover</u>	535 Lang St. N.W., W.A. 24982
2.	Rose Alechik	<u>Rose Alechik</u>	601 Big Bear Rd. 24984
3.	Will Underwood	<u>Will Underwood</u>	319 Grant Ave. W.S.S 24984
4.	KATHY BOLT. RUTNEY	<u>Kathy Bolt-Rutney</u>	305 Camden St
5.	Linda E. White	<u>Linda E. White</u>	84 Old West Trail, W.S.S 24988
6.	Emile Ficker	<u>Emile Ficker</u>	7101 Fort St. W.S.S
7.	John Surber	<u>John Surber</u>	30 Roman Road, W.S.S.
8.	Mary Lynch	<u>Mary Lynch</u>	58 Roman Road. W.S.S. W
9.	Eide Nicely	<u>Eide Nicely</u>	153 Old White Trail
10.	G. Ida CARY	<u>G. Ida Cary</u>	155 Old White Trail

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PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	Emory Anderson	Emory Anderson	1617 Old White Trail WSS W42986
2.	Rose Anderson	Rose Anderson	167 Old White Tr. WSS W42986
3.	Jackie Wilson	Jackie Wilson	270 Old White Tr. WSS W42986
4.	Sue Wilson	Sue Wilson	270 Old White Tr. WSS. 24986
5.	Helen E Clark	Helen E. Clark	404 Villa Ave WSS 24986
6.	Earl W Casto	Earl W Casto	33 Forren Lane 24986
7.	JAMES SPMS	James Spms	38 FOREN LN. 24986
8.	Mike Munroe	Mike Munroe	353 Chestnut WSS 24986
9.	Shirley Armstrong	Shirley Armstrong	353 Chestnut WSS 24986
10.	Joe Williams	Joe Williams	796 Lockfield 24986 WSS.

PETITION FOR ANNEXATION

JANUARY 2003

	<u>Printed Name</u>	<u>Signature</u>	<u>Physical Address</u>
1.	<u>Carolyn Ferris</u>	<u>Carolyn Ferris</u>	<u>604 Chis St. W. S.S.</u>
2.	<u>JAMES V. HEFFER</u>	<u>James V. Heffer</u>	<u>10 Maple Ave</u>
3.	<u>Zetta Heffer</u>	<u>Zetta Heffer</u>	<u>10 Maple Ave</u>
4.	<u>Sarah Helen Taylor</u>	<u>Sarah Helen Taylor</u>	<u>517 Brighton Rd.</u>
5.	<u>Marshall Feary</u>	<u>Marshall Feary</u>	<u>315 Central Ave.</u>
6.	<u>Margaret Hatterman</u>	<u>Margaret Hatterman</u>	<u>316 Central Avenue</u>
7.	<u>Nancy Lane</u>	<u>Nancy Lane</u>	<u>310 Central Ave.</u>
8.	<u>Homer Ware</u>	<u>Homer Ware</u>	<u>310 Central Ave</u>
9.	<u>Gloria Glover</u>	<u>Gloria Glover</u>	<u>319 Central Ave</u>
10.	<u>Michele L. Veldandingham</u>	<u>Michele L. Veldandingham</u>	<u>320 Central Ave</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	BOBBY COLEMAN	Bobby Coleman	315 Gessert Ave
2.	Fodie Coleman	Fodie Coleman	315 Gessert Ave
3.	Kathy L. Glover	Kathy L. Glover	511 Big Draft Rd. WSS SERVICE ST
4.	MIKE ZIMMERMAN	Mike Zimmerman	108 EAST MAIN
5.	MARSHALL WEBB	Marshall Webb	45 E MAIN ST
6.	JG Boggs	JG Boggs	997 WSSA
7.	Don Coleman	Don Coleman	300 Mill Hill Dr
8.	Hamilton Coleman	Hamilton Coleman	300 Mill Hill Dr
9.	Stephanie Zimmerman	Stephanie Zimmerman	30 Patterson St W.S.S.
10.	Charles Hyatt	Charles Hyatt	75 Chagwell St Ave

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Abilities Sam's</u> <u>Edna Hill St</u>	<u>Abilities Sam's</u>	<u>387 Farness Lane</u>
2.	<u>Willie Hill</u>	<u>Willie Hill</u>	<u>510 Clark St</u>
3.	<u>Dorothy H. Williams</u>	<u>Dorothy H. Williams</u>	<u>1442 Dry Creek Rd.</u>
4.	<u>Ernie J. Doudy Sr.</u>	<u>Ernie J. Doudy Sr.</u>	<u>41 Zenneca Dr.</u>
5.	<u>MICHAEL R. WHITE</u>	<u>Michael R. White</u>	<u>41 S.S. W. Va.</u>
6.	<u>John Breeseault</u> <u>Virginia Arthur</u>	<u>John Breeseault</u>	<u>31 Mountain Ave.</u>
7.	<u>Virginia Arthur</u>	<u>Virginia Arthur</u>	<u>9 Shambles ave</u>
8.	<u>James Fekow</u>	<u>James W. Fekow</u>	<u>604 Ivy St</u> <u>WSS.</u>
9.	<u>Roy Buckland</u>	<u>Roy E. Buckland</u>	<u>70 RUE ST</u> <u>White Sul. SPS</u>
10.	<u>CHINESTON ROSE</u>	<u>Chineston Rose</u>	<u>800 Crawford Ave</u> <u>WSS WV</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	BABIE L. EDER	Bathie Eder	433 Birch Overlook
2.	Bertha H. Kizer	Bertha H. Kizer	50 Glenview St
3.	STEVE WHITE	Steve White	84 Red Birch Trl
4.	LIS HONAKER	Lisa Honaker	102 Maple St WSS, W
5.	DELORES MATTON	Delores Matton	19 Cedar St. WSS, WSS
6.	Dorothy Shinabarger	Dorothy Shinabarger	806 E Main St
7.	Jackie Carter	Jackie Carter	35 Church St.
8.	Shirley McElroy	Shirley McElroy	19 Stinson Way.
9.	Todd McElroy	Todd McElroy	160 Kewan
10.	Donnie Bliffin	Donnie Bliffin	22 STINSON




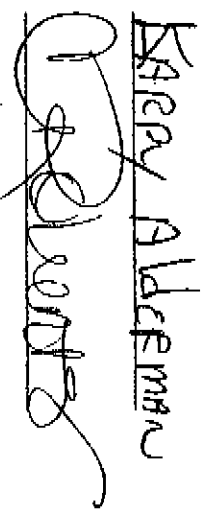






PETITION FOR ANNEXATION

JANUARY 2003

Printed Name	Signature	Physical Address
1. <u>Johnny M. Caspale</u>	<u>Johnny P. Caspale</u>	<u>Route 60 E 1155 RD</u>
2. <u>Sarah L. Hanna</u>	<u>Dana D. Hanna</u>	<u>18 Ireland Ave W 55</u>
3. <u>Kenneth P. Hanna</u>	<u>D Kenneth P. Hanna</u>	<u>18 Ireland Ave W 55</u>
4. <u>Jim Harper</u>	<u>Jim Harper</u>	<u>5 Hanna Lane</u>
5. <u>Thelma Dunsmore</u>	<u>Thelma Dunsmore</u>	<u>612 E. Maine</u>
6. <u>Ruth E. Allen</u>	<u>Ruth E. Allen</u>	<u>610 E. Maine</u>
7. <u>Lynndy B. Burdette</u>	<u>Michael J. Burdette</u>	<u>608 E. Main St</u>
8. <u>Ernest E. Thompson</u>	<u>Ernest Thompson</u>	<u>604 E. Main</u>
9. <u>Shirley Jenkins</u>	<u>Shirley Jenkins</u>	<u>304 Central Ave</u>
10. <u>Jammy Belt</u>	<u>Jammy Belt</u>	<u>35 Raven Rd.</u>

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name	Signature	Physical Address
1. Richard M. Leach		502 Villa Avenue
2. Carol Bolt		440 Maple Lane
3. Kim Alderman		329 Woodland Ave
4. James Alderman		325 Woodland Ave
5. Ricky Roberts		231 Pine Gap Rd
6. Dickie Roberts		231 Pine Gap Rd
7. Edna Difele		235 Pine Gap Rd
8. RENA Houdys#212		432 Oak St
9. Tim Houdys#212		432 Oak Street
10. Houdys#212		415 Central Ave

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	Debra Bouyer Fogus	Debra Bouyer Fogus	147 Ingleside Ave.
2.	MAX WELLS	Max Wells	920 Cedar Street
3.	Brendah Hanson	Brendah Hanson	222 Crawford Ln - wss
4.	Marilyn Kefauver	Marilyn Kefauver	816 Tucker Rd
5.	Brenda Barry	Brenda Barry	10 Palm Beach Ave.
6.	Julia Gillilan	Julia Gillilan	407 Woodland, wss
7.	Marilyn Lewis	Marilyn Lewis	62 Timber Dr.
8.	ARTHUR LEEBACH	Arthur Leebach	816 Tucker Rd.
9.	Charles M. DeLo	Charles M. DeLo	845 Dickman Rd.
10.	James B. Geller	James B. Geller	565 Villa Ave.

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	FRANK B. BIGGS Frank Biggs	Frank Biggs	509 Guy Dwyer Rd
2.	WILDA BEGAVT	Wilda Begavt	12 Glen Cumberland, W.S.S
3.	Betty Moore	Betty Moore	623 High Street Rd.
4.	Richard C. Clements	Richard C. Clements	604 B's Dwyer Rd, W.S.S
5.	Lantia M Cole Jr	Lantia M Cole Jr	48 Terr. Way Dr W.S.S.
6.	MARY E. STRAUB	Mary E. Straub	415 Central Ave - W.S.S.
7.	Margaret PASTO	Margaret PASTO	417 Central Ave. W.S.S.
8.	BARBARA RUTLIF	Barbara Rutliff	441 Central Ave W.S.S
9.	LOUISE BITTNER	Louise Bittner	19 Midfield Dr. W.S.S.
10.	GRACE BOSTIC	Grace Bostic	201 O'Connell St. W.S.S.

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name	Signature	Physical Address
1. <u>Wheeler</u>	<u>Wheeler</u>	<u>418 Grant St. Denver</u>
2. <u>Grace Singer</u>	<u>Grace Singer</u>	<u>491 8th St NW</u>
3. <u>Diane Cooper</u>	<u>Diane Cooper</u>	<u>431 Big Draft Road</u>
4. <u>Joan Lingerhan</u>	<u>Joan Lingerhan</u>	<u>521 E Big Draft Rd</u>
5. <u>Steve Ambrose</u>	<u>Steve Ambrose</u>	<u>131 Ave G, OK</u>
6. <u>Doris A. McVey</u>	<u>Doris A. McVey</u>	<u>619 Big Draft Rd.</u>
7. <u>Joseph Lingerhan</u>	<u>Joseph Lingerhan</u>	<u>521 Big Draft Rd.</u>
8. <u>John Feary</u>	<u>John Feary</u>	<u>18 Stinson Dr.</u>
9. <u>Helen Feary</u>	<u>Helen Feary</u>	<u>18 Stinson Drive</u>
10. <u>Mary Sparks</u>	<u>Mary Sparks</u>	<u>615 Monroe St</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Donald Teal</u>	<u>Donald Teal</u>	<u>18 Rip Van Winkle Rd.</u>
2.	<u>Dorothy W. McCarty</u>	<u>Dorothy W. McCarty</u>	<u>8 Rip Van Winkle Rd.</u>
3.	<u>JAMES E. Mc Carthy</u>	<u>James E. Mc Carthy</u>	<u>8 Rip Van Winkle Rd.</u>
4.	<u>Ed / John B. Whitford</u>	<u>Ed B. Whitford</u> <u>John B. Whitford</u>	<u>499 Roseau Rd. W.S. 380</u>
5.	<u>Elizabeth O. Austin</u>	<u>Elizabeth O. Austin</u>	<u>87 Rowan Rd W.S.</u>
6.	<u>Helen E Burns</u>	<u>Helen E. Burns</u>	<u>417 Big DRAFT Rd.</u>
7.	<u>David S. Dean</u>	<u>David S. Dean</u>	<u>415- Big DRAFT Rd.</u>
8.	<u>Geoffrey D. Dethlefsen</u>	<u>Geoffrey D. Dethlefsen</u>	<u>428 Big DRAFT Rd.</u>
9.	<u>Donna F. HARRIS</u>	<u>Donna F. HARRIS</u>	<u>428 Big DRAFT Rd.</u>
10.	<u>John E. JENSEN</u>	<u>John E. JENSEN</u>	<u>428 Big DRAFT Rd.</u>
11.	<u>WYATT M. CURTAEON</u>	<u>Wyatt M. CURTAEON</u>	<u>411 Big DRAFT Rd.</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Marshall Feun</u>	<u>Marshall Feun</u>	<u>945 Cedar St. WSS</u>
2.	<u>Dennis Ridgeway</u>	<u>Dennis Ridgeway</u>	<u>982 Fushahe R. WSS</u>
3.	<u>Dennis Lockhart</u>	<u>Dennis Lockhart</u>	<u>30 Caldwell Dr. WSS</u>
4.	<u>Carl D Cunningham</u>	<u>Carl D Cunningham</u>	<u>228 Peely St WSS</u>
5.	<u>Dorothy M Cunningham</u>	<u>Dorothy M Cunningham</u>	<u>238 Neely St. WSS</u>
6.	<u>TERRELL L. FRLEY</u>	<u>Terrell L. Frley</u>	<u>14 Onevery Ave WSS.</u>
7.	<u>Elvina Moore</u>	<u>Elvina Moore</u>	<u>508 Bennett St. WSS</u>
8.	<u>Betty Tucker</u>	<u>Betty Tucker</u>	<u>201 Hines Ave.</u>
9.	<u>Edward McAllister</u>	<u>Edward McAllister</u>	<u>601 Bennett St</u>
10.	<u>Sadie June McAllister</u>	<u>Sadie McAllister</u>	<u>601 Bennett St</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	EMERY L. BOWLER	<i>Emery L. Bower</i>	204 S 206 Lyndale Ave. W.S.S.
2.	Mina J Bower	<i>Mina J. Bowers</i>	204 S 206 Lyndale Ave. W.S.S.
3.	Richard Hopen	<i>Richard Hopen</i>	680 Tuckahoe Rd. W.S.S.
4.	Artie Shaeel	<i>Artie Shaeel</i>	510 Tuckahoe St. W.S.S.
5.	JAMES R. SHAEEL	<i>James R. Shaeel</i>	510 Beane St W.S.S.
6.	Earl Rich Harper	<i>Earl Rich Harper</i>	915 Spruce St W.S.S.
7.	Charles Brackman	<i>Charles Brackman</i>	24 Mountain Ave W.S.S.
8.	Tim Hardyshell	<i>Tim Hardyshell</i>	513 S. D. St. W.S.S.
9.	Picky Feeny	<i>Picky Feeny</i>	940 Cedar St. W.S.S.
10.	William L. Feeny	<i>William L. Feeny</i>	945 Cedar St. W.S.S.

PETITION FOR ANNEXATION

JANUARY 2003

Printed NameSignaturePhysical Address

- | | | | |
|-----|----------------------------|----------------------------|-----------------------------|
| 1. | <u>wardlaw lewis Te</u> | <u>Yvonne Lewis</u> | <u>66 Terrace Dr.</u> |
| 2. | <u>MARIE H. ELTINGE</u> | <u>Maria H. Eltinge</u> | <u>23 Angleville Lane</u> |
| 3. | <u>Don J. Crump</u> | <u>Don J. Crump</u> | <u>102 Woodlawn Street</u> |
| 4. | <u>Donald M. Hines</u> | <u>Donald M. Hines</u> | <u>500 E. Hines</u> |
| 5. | <u>KAYE CLARK</u> | <u>Kaye Clark</u> | <u>P.O. Box 552</u> |
| 6. | <u>Margaret McElithorn</u> | <u>Margaret McElithorn</u> | <u>13 Castle Avenue</u> |
| 7. | <u>William L. Shirley</u> | <u>William L. Shirley</u> | <u>90 Old White Trail</u> |
| 8. | <u>ANNIE CLINEBELL</u> | <u>Annie Clinebell</u> | <u>346 Greenbush Avenue</u> |
| 9. | <u>_____</u> | <u>_____</u> | <u>_____</u> |
| 10. | <u>_____</u> | <u>_____</u> | <u>_____</u> |

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Regina Craft Legg</u>	<u>Regina Craft Legg</u>	<u>19 Terrace Drive, W.S.S., WV 24986</u>
2.	<u>CHRISTOPHER R. BLANK</u>	<u>Christopher R. Blank</u>	<u>217 Spring St.</u>
3.	<u>Jack D. Dwyer</u>	<u>Jack H. Dwyer</u>	<u>420 Oak Hill</u>
4.	<u>Thermy Delshere</u> <u>Debra DePriest</u>	<u>Thermy F. Delshere</u> <u>Debra DePriest</u>	<u>3016 Old White Hall</u> <u>45 Macbodel</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>
6.	<u>Daisy P. Lynch</u>	<u>Daisy P. Lynch</u>	<u>401 Villa Ave</u>
7.	<u>Betty Bennett</u>	<u>Betty Bennett</u>	<u>509 Bennett St.</u>
8.	<u>_____</u>	<u>_____</u>	<u>_____</u>
9.	<u>_____</u>	<u>_____</u>	<u>_____</u>
10.	<u>_____</u>	<u>_____</u>	<u>_____</u>

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name	Signature	Physical Address
1. <u>David Alderman</u>	<u>David Alderman</u>	<u>53 Glenview Rd.</u>
2. <u>Tammy Sharp</u>	<u>Tammy Sharp</u>	<u>203 Rocky St. White Sulphur</u>
3. <u>Robert W. GAMB</u>	<u>Robert W. GAMB</u>	<u>575 Village, wss</u>
4. <u>Rebecca Tenny</u>	<u>Rebecca Tenny</u>	<u>409 Villa Ave. wss</u>
5. <u>William H. HEN</u>	<u>Josephine HENRY</u>	<u>137 W. 1st St. TR</u>
6. <u>W. Brack Knick</u>	<u>W. Brack Knick</u>	<u>264 Orinell St.</u>
7. <u>Donald Alderson</u>	<u>Donald Alderson</u>	<u>217 Board St.</u>
8. <u>James P. Owens</u>	<u>James P. Owens</u>	<u>217 Board St.</u>
9. _____	_____	_____
10. _____	_____	_____






PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>Jimmy Spinks</u>	<u>Jimmy R. Spinks</u>	<u>103 Hines Avenue</u>
2.	<u>Genevieve Holmes</u>	<u>Genevieve Holmes</u>	<u>610 Bennett St.</u>
3.	<u>MARARET KANE</u>	<u>Margaret E. Kane</u>	<u>560 Elm Street</u>
4.	<u>Elizabeth S. McCutcheon</u>	<u>Elizabeth S. McCutcheon</u>	<u>902 Spruce St</u>
5.	<u>Israel Bolt</u>	<u>Israel Bolt</u>	<u>580 Tuckermere Rd</u>
6.	<u>Marion Bolt</u>	<u>Marion Bolt</u>	<u>580 Tuckermere Rd</u>
7.			
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9.			
10.			

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	DANAELE WEADE		215 Mt Ave.
2.	RAY L. RYAN		44 Castle Dr.
3.	TARA BURNS		400 Villa Ave
4.	Rhonda Hyttan		25 Sangleade Ave.
5.	Mary Morris		109 Sangleade Ave.
6.			
7.			
8.			
9.			
10.			

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Veron Fagus

Veron Fagus

309 Central Ave.

2. Marsha Fagus

Marsha Fagus

309 Central Ave.

3. Mary Fagus

Mary Fagus

102 Spring St.

4. Mellie Hanna

Mellie Hanna

120 Overlook Ave.

5. George Bennett

George Bennett

409 Central Ave.

6. _____

7. _____

8. _____

9. _____

10. _____

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	<u>D B. Hertzman</u>	<u>[Signature]</u>	<u>118 W. Main St.</u>
2.	<u>Barbara L. Hoffman</u>	<u>[Signature]</u>	<u>118 W. Main St.</u>
3.	<u>Michael J. Houtka</u>	<u>[Signature]</u>	<u>102 Maple St.</u>
4.	<u>Michael R. Houtka</u>	<u>[Signature]</u>	<u>305 Maple St.</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>
6.	<u>_____</u>	<u>_____</u>	<u>_____</u>
7.	<u>_____</u>	<u>_____</u>	<u>_____</u>
8.	<u>_____</u>	<u>_____</u>	<u>_____</u>
9.	<u>_____</u>	<u>_____</u>	<u>_____</u>
10.	<u>_____</u>	<u>_____</u>	<u>_____</u>

PETITION FOR ANNEXATION

JANUARY 2003

	Printed Name	Signature	Physical Address
1.	WALTER LIVERAY	Walter Liveray	70 Abbott Dr. West
2.	Deborah Whitel	Deborah Whitel	209 Big Quail Rd W.S.S
3.	LEAN WHITEL	Lean Whitel	248 B.O. DERRY Rd,
4.			
5.			
6.			
7.			
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9.			
10.			

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Katie Green

Katie Green

217 Green St

2. Mike Holmes

CHARLES Holmes

610 Burnett St

3. Margaret Marshall

MARGARET Marshall

29 Ballard St.

4.

5.

6.

7.

8.

9.

10.

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Katherine B. Shelton

Katherine B. Shelton

105 Hines Avenue, WSS

2. Benjamin L. Shelton

Benjamin L. Shelton

105 Hines Avenue, WSS

3. Larry R. Glover

Larry R. Glover

511 Big Ocast Rd, WSS

4.

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PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Paula Butts

Paula Butts

122 Ivy Street

2. Shirley Burdette

Shirley Burdette

200 Big Draft Rd.

3. Paul R. Burdette

Paul R. Burdette

200 Big Draft Rd.

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1.

Bill Bowling

Bill Bowling

700 E Main St.

2.

Marie M. Lewis

Marie M. Lewis

205 E Main St.

3.

4.

5.

6.

7.

8.

9.

10.

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Terry W. Smith

Terry W. Smith

12 Prairie Ave. W.S.S. WY 20986

2. Cathy E. Smith

Cathy E. Smith

12 Prairie Ave. W.S.S. WY 20986

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1. Betty Perkins

Betty Perkins

39 Palm Beach Ave, 1055

2. G. M. Perkins

G. M. Perkins

39 Palm Beach Ave, 1055

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

PETITION FOR ANNEXATION

JANUARY 2003

Printed Name

Signature

Physical Address

1.

Donald May

Donald May

107 West Main WSS

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EXHIBIT C

CITY OF WHITE SULPHUR SPRINGS, WEST VIRGINIA

ORDER FOR ANNEXATION ELECTION

At a special regular meeting on Wednesday, January 15, 2003, the governing body of the city of White Sulphur Springs, West Virginia (the "City"), was presented with a "Petition for Annexation" (the "Petition"). The Petition sets forth the area that is requested for annexation as required by law, and it requests that the governing body of the City order an election be held on the proposed changes to the metes and bounds of the City. The Petition was accompanied by a survey map that illustrates the proposed changes, as is required by law.

It appears that the Petition has been duly verified by one of the petitioners and that the number of petitioners exceeds five percent (5%) of the total number of freeholders in the City. It further appears that the Petition complies with all other requirements of W. Va. Code § 8-6-2 and other applicable West Virginia law.

Bond

Upon receipt of the Petition, the governing body voted to require the petitioners to post a surety bond in the amount of \$2,500.00. That bond has been received by the City from the petitioners. If the majority of the votes cast in the election are in favor of the proposed annexation, the bond will be returned to the petitioners. If the majority of the votes cast in the election are against the proposed annexation, the bond will be forfeited to the City to pay the costs of the election.

Election

The governing body also voted upon the date, time and place of the election. An election for the qualified voters of the City shall be held on February 14, 2003, at the White Sulphur Springs Civic Center. The polls will be open from 6:30 a.m. until 7:30 p.m. on that date.

A separate election of all the qualified voters of the territory to be annexed and of all the freeholders of the territory to be annexed, whether they reside or have a place of business therein or not, will be held also on February 14, 2003 at the White Sulphur Springs Civic Center. The polls will be open from 6:30 a.m. until 7:30 p.m. on that date. Although at the same place, this election will be separate from the election for the qualified voters of the City.

Absentee voting will be permitted in accordance with applicable law. Since the absentee voting period will extend past the date of the election, no ballots will be counted until the absentee voting period ends.

An individual who is a qualified voter and freeholder of the municipality or the territory to be annexed shall be entitled to vote only once.

Description of Area to be Annexed

The description of the metes and bounds of the area proposed to be annexed to the City of White Sulphur Springs, West Virginia, along with a popular description of this territory, is as follows:

BEGINNING at a concrete right of way marker located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162, said point being on the western property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541, Office of the Clerk for the County Commission of Greenbrier County and being 226 feet left of Interstate Route 64 centerline Station 1910+34.00; thence along the western property line as follows: north 42 degrees 28 minutes 10 seconds east, 2,294.30 feet to a concrete monument; north 47 degrees 13 minutes 20 seconds east, 4,392.34 feet to a concrete monument; north 80 degrees 20 minutes 40 seconds east, 6,102.71 feet to a beech tree; north 39 degrees 46 minutes 50 seconds east, 2,403.72 feet to a concrete monument; north 35 degrees 24 minutes 10 seconds east, 2,085.08 feet to a concrete monument; north 30 degrees 17 minutes 40 seconds east, 2,405.84 feet to a concrete monument; north 33 degrees 17 minutes east, 3,745.83 feet to a white oak tree; north 24 degrees 22 minutes 10 seconds east, 1,046.77 feet to a chestnut oak tree; north 18 degrees 36 minutes 30 seconds east, 7,875.10 feet to a concrete monument located on the northern property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541; thence along the northern property line as follows: south 52 degrees 36 minutes 10 seconds east, 3,924.52 feet to a concrete monument; south 84 degrees 17 minutes west, 537.75 feet to a concrete monument; south 01 degrees 41 minutes 50 seconds west, 1,000.91 feet to a concrete monument; south 19 degrees 27 minutes 10 seconds west, 784.15 feet to a beech tree; south 86 degrees 48 minutes east, 430.88 feet to a concrete monument; north 20 degrees 55 minutes 40 seconds east, 330.42 feet to a concrete monument; north 74 degrees 34 minutes 30 seconds east, 200.45 feet to a concrete monument; south 19 degrees 29 minutes 10 seconds west, 704.89 feet to a concrete monument; north 74 degrees 39 minutes 50 seconds east, 1,594.36 feet to a concrete monument; south 66 degrees 06 minutes 10 seconds east, 591.51 feet to a concrete monument; north 83 degrees 05 minutes 30 seconds east, 326.50 feet to a concrete monument located on the eastern property line of the lands now or formerly owned by White Sulphur Springs Company of record in Deed Book 206, Page 541; thence along the eastern property line as follows: south 16 degrees 13 minutes 40 seconds west, 936.87 feet to a concrete monument; south 42 degrees 53 minutes 40 seconds west, 5,190.08 feet to a concrete monument; south 20 degrees 39 minutes 10 seconds west, 2,662.47 feet to a concrete monument; south 17 degrees 03 minutes 50 seconds west, 485.47 feet to a concrete monument; south 78 degrees 55 minutes east, 787.14 feet to a concrete monument; south 45 degrees 05 minutes 40 seconds west, 3,003.86 feet to a concrete monument; south 57 degrees 54 minutes 50 seconds east, 865.34 feet to a concrete monument; south 78 degrees 01 minutes 10 seconds east, 699.31 feet to a concrete monument located on the western corporation line of the City of White Sulphur Springs; thence along the western corporation line of the City of White Sulphur Springs as follows: south 40 degrees 57 minutes 30 seconds east, 315.42 feet to a concrete monument; south 50 degrees 25 minutes 30 seconds east, 3,053.07 feet to a concrete monument; south 56 degrees 31 minutes 10

seconds west, 611.07 feet to a concrete monument; south 52 degrees 58 minutes east, 605.10 feet to a concrete monument; north 72 degrees 47 minutes 30 seconds east, 300.00 feet to an iron pin; south 20 degrees 23 minutes 30 seconds east, 427.00 feet to a concrete monument; south 21 degrees 45 minutes 22 seconds west, 1,151.00 feet to a point located northern existing right of way line of U. S. Route 60; thence south 50 degrees 14 minutes 38 seconds east, crossing U. S. Route 60, 60.00, more or less, to a point on the southern existing right of way line of U. S. Route 60 and the northern existing right of way line of CSX Transportation, Inc., and continuing 278.00 feet, more or less, across CSX and with the western corporation line of the City of White Sulphur Springs (in all 338.00 feet) to a point in the southern existing right of way line of CSX Transportation, Inc.; thence with the southern existing right of way line of CSX Transportation, Inc. and continuing with the western corporation line of the City of White Sulphur Springs as follows: north 44 degrees 24 minutes 52 minutes east, 921.00 feet to a point; north 39 degrees 21 minutes 23 minutes east, 757.00 feet to a point; north 43 degrees 32 minutes 02 minutes east, 412.00 feet to a point; northeasterly with a curve to the right having a radius of 1,580.00 feet, an arc length of 1,378.36 feet to a point located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(5)167, and being 240 feet left of Interstate Route 64 centerline Station 2195+30; thence with the northern existing controlled access right of way line for I-64 as follows: south 35 degrees 09 minutes 28 seconds west, 240.00 feet to a point: south 15 degrees 47 minutes 47 seconds west, 74.00 feet to a point: south 71 degrees 12 minutes 45 seconds west, 305.00 feet to a point: south 13 degrees 30 minutes 47 seconds west, 34.00 feet to a point: south 70 degrees 55 minutes 07 seconds west, 98.00 feet to a point: south 26 degrees 56 minutes 39 seconds east, 89.00 feet to a point: south 35 degrees 08 minutes 01 seconds west, 574.00 feet to a point: north 47 degrees 00 minutes 10 seconds west, 499.00 feet to a point: south 45 degrees 19 minutes 05 seconds west, 988.00 feet to a point: south 47 degrees 00 minutes 10 seconds east, 498.00 feet to a point: south 45 degrees 37 minutes 16 seconds west, 1,139.00 feet to a point: south 32 degrees 04 minutes 13 seconds west, 494.00 feet to a point: south 64 degrees 46 minutes 51 seconds west, 819.00 feet to a point: south 45 degrees 40 minutes 05 seconds west, 564.00 feet to a point: south 45 degrees 19 minutes 09 seconds west, 640.00 feet to a point: south 45 degrees 14 minutes 44 seconds west, 803.00 feet to a point: south 52 degrees 06 minutes 55 seconds west, 2,804.00 feet to a point: north 26 degrees 36 minutes 38 seconds west, 50.00 feet to a point; north 85 degrees 55 minutes 28 seconds west, 190.00 feet to a point: south 49 degrees 08 minutes 58 seconds west, 47.00 feet to a point: south 40 degrees 08 minutes 31 seconds east, 94.00 feet to a point: south 76 degrees 15 minutes 16 seconds west, 1,380.00 feet to a point: south 82 degrees 31 minutes 57 seconds west, 700.00 feet to a point: south 84 degrees 19 minutes 57 seconds west, 617.00 feet to a point: southwesterly with a curve to the right having a radius of 2,090.00 feet, an arc length of 496.00 feet to a point; south 85 degrees 25 minutes 35 seconds west, 919.00 feet to a point: north 67 degrees 54 minutes 36 seconds west, 556.00 feet to a point: south 87 degrees 04 minutes 06 seconds west, 570.00 feet to a point: north 77 degrees 39 minutes 53 seconds west, 817.00 feet to a point located on the northern existing right of way line of CSX Transportation, Inc.; southwesterly with a curve to the left having a radius of 1,820.00 feet, an arc length of 322.80 feet crossing I-64 right of way to a point located in the southern existing controlled access right of way line of I-64 and the northern existing right of way line of CSX Transportation, Inc.; thence with the northern existing right of way line of CSX Transportation, Inc. as follows: southwesterly with a curve to the right

having a radius of 1,580.00 feet, an arc length of 504.18 feet to a point located on the southern property line of the lands now of formerly owned by Town of White Sulphur Springs of record in Deed Book 157, Page 296; thence along the southern property line of the lands now of formerly owned by Town of White Sulphur Springs as follows: south 68 degrees 30 minutes 59 seconds west, 101.00 feet to a point; north 19 degrees 14 minutes 41 seconds west, 30.00 feet to a point; south 71 degrees 34 minutes 39 seconds west, 172.00 feet to a point; north 84 degrees 50 minutes 11 seconds west, 418.00 feet to a point; north 21 degrees 06 minutes 30 seconds east, 315.00 feet to a point located on the southern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence with the southern existing controlled access right of way line for I-64 as follows: north 89 degrees 46 minutes 42 seconds west, 931.00 feet to a point on the property line of the lands now or formerly owned by Bobby Callison, of record in Deed Book 292, Page 389; thence along the property line of the lands now or formerly owned by Bobby Callison as follows: south 02 degrees 52 minutes 23 seconds east, 53.00 feet to a point; south 87 degrees 07 minutes 37 seconds west, 120.00 feet to a point; north 02 degrees 52 minutes 23 seconds west, 59.00 feet to a point located on the southern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence along the southern existing controlled access right of way line for I-64 as follows: north 89 degrees 43 minutes 30 seconds west, 200.00 feet to a point; south 82 degrees 35 minutes 04 seconds west, 1,398.00 feet to a point located on the eastern existing right of way line of Greenbrier County Route 60/14; thence along the eastern existing right of way line of Greenbrier County Route 60/14 as follows: south 03 degrees 05 minutes 54 seconds west, 535.00 feet to a point; south 13 degrees 35 minutes 42 seconds east, 303.00 feet to a point in the northern existing right of way line of CSX Transportation, Inc.; thence along the northern existing right of way line of CSX Transportation, Inc. as follows: south 78 degrees 18 minutes 36 seconds west crossing Greenbrier County Route 60/14, 154.00 feet to a point in the western existing right of way of Greenbrier County Route 60/14; north 09 degrees 21 minutes 55 seconds west along the western existing right of way line of Greenbrier County Route 60/14, 22.00 feet to an iron pin; leaving said existing right of way line of Greenbrier County Route 60/14 and continuing with said northern existing right of way line of CSX Transportation, Inc. south 80 degrees 04 minutes 59 seconds west 98.00 feet to a point; south 82 degrees 35 minutes 39 seconds west, 126.00 feet to a point; south 85 degrees 45 minutes 19 seconds west, 117.00 feet to a point; south 88 degrees 59 minutes 29 seconds west, 84.00 feet to a point; north 87 degrees 52 minutes 11 seconds west, 91.00 feet to a point; north 84 degrees 11 minutes 41 seconds west, 97.00 feet to a point; north 79 degrees 18 minutes 41 seconds west, 154.00 feet to a point; north 73 degrees 35 minutes 01 seconds west, 132.00 feet to a point; north 68 degrees 34 minutes 51 seconds west, 122.00 feet to a point; north 63 degrees 42 minutes 11 seconds west, 123.00 feet to a point; north 58 degrees 55 minutes 31 seconds west, 116.00 feet to a point; north 54 degrees 06 minutes 01 seconds west, 123.00 feet to a point; north 48 degrees 43 minutes 31 seconds west, 213.00 feet to a point; north 48 degrees 26 minutes 41 seconds west, 215.00 feet to a point; north 55 degrees 21 minutes 41 seconds west, 115.00 feet to a point; south 34 degrees 38 minutes 19 seconds west, 30.00 feet to a point; north 55 degrees 22 minutes 11 seconds west, 70.00 feet to a point; north 64 degrees 07 minutes 21 seconds west, 147.00 feet to a point; north 72 degrees 03 minutes 01 seconds west, 154.00 feet to a point; north 79 degrees 24 minutes 01 seconds west, 195.00 feet to an iron pin located on the southern existing controlled access right of way line

for West Virginia Division of Highways Project I-64-4(16)162; thence north 57 degrees 34 minutes 16 seconds west crossing I-64, 609.00 feet to a point located on the northern existing controlled access right of way line for West Virginia Division of Highways Project I-64-4(16)162; thence along the northern existing controlled access right of way line for I-64 as follows; south 88 degrees 07 minutes 18 seconds west, 329.00 feet to a point; north 72 degrees 31 minutes 50 seconds west, 909.00 feet to a point located in the southern existing right of way line of U. S. Route 60; thence with the southern existing right of way line of U. S. Route 60 and continuing with the northern existing controlled access right of way line for I-64 as follows: north 67 degrees 52 minutes 42 seconds west, 70.00 feet to a point; south 87 degrees 51 minutes 56 seconds east, 5.00 feet to a point; southwesterly with a curve to the right having a radius of 241.00 feet an arc length of 278.00 feet to a point; north 65 degrees 57 minutes 24 seconds west, 336.00 feet to a point; south 23 degrees 16 minutes 21 seconds west, 47.00 feet to a point; north 66 degrees 11 minutes 26 seconds west, 706.00 feet to a point; north 24 degrees 02 minutes 38 seconds east, 55.00 feet to a point on the northern existing controlled access right of way line for I-64 and the southern existing right of way line of U. S. Route 60; north 59 degrees 29 minutes 20 seconds west, 403.00 feet crossing the existing right of way line of U. S. Route 60 to a point on the northern existing right of way line of U. S. Route 60 and the northern existing controlled access right of way line for I-64; thence along the northern existing controlled access right of way line for I-64 as follows: north 50 degrees 41 minutes 23 seconds west, 693.00 feet to a point; north 63 degrees 16 minutes 53 seconds west, 433.00 feet to a point; north 50 degrees 00 minutes 05 seconds west, 673.00 feet to the POINT OF BEGINNING and containing 5,181.71 acres, more or less, which includes 29.87 acres, more or less, of land already located within the corporate limits of the City of White Sulphur Springs and 18.03 acres of existing right of way for U. S. Route 60 and County Route 60/14, and 54.06 acres, more or less, of existing controlled access right of way for I-64.

The aforesaid tract to be annexed is shown and described on that certain map attached hereto and referenced in Exhibit A, which is attached hereto and incorporated herein by reference.

The popular name for this territory to be annexed is the business district from approximately an area on U.S. Route 60 known as Pines Curve just West of the Harts Run interchange of Interstate 64 to the current corporate limits of White Sulphur Springs, and all land currently or formerly owned by The Greenbrier Sporting Club and CSX Hotels, Inc. d/b/a The Greenbrier Resort, as well as their related companies.

Plan for Providing Services

Water and Sewer

Most of the proposed area to be annexed as identified in the Petition already receives water and/or sewer services from the City. The Greenbrier hotel is connected to or has access to the City's water and sewer system. The water and sewer services also extend to the Harts Run area to serve the homes and businesses located there. The City will provide further access to the City's water and

sewer systems as soon as practicable after the annexation election, if it is successful for the petitioners, to ensure that most if not all areas within the annexed area have access to water and sewer if feasible.

Police Protection

The City's corporate limit currently includes U.S. Rt. 60 to Harts Run, and that area is routinely patrolled by the City's police department. The patrols and jurisdiction of the police department will include the areas to be annexed if the election is successful for the petitioners. The City will cooperate with The Greenbrier hotel to determine whether the City's police department will patrol its property, and if so, to what extent.

Fire Protection

The City's fire department will respond to all fires and other emergencies within the area to be annexed if the annexation election is successful for the petitioners. The City will install fire hydrants at appropriate intervals on all new water lines that are placed in the area to be annexed if the annexation election is successful for the petitioners.

Garbage / Recycling

The City will extend its garbage collection and recycling services to the area to be annexed if the annexation election is successful for the petitioners. This will be done in accordance with West Virginia law.

Other Services

Any other services the City currently provides or will decide to provide in the future will be provided to the area to be annexed if the annexation election is successful for the petitioners.

The City will cause this Order to be published as a Class II-O legal advertisement in compliance with the provisions of W. Va. Code § 59-3-1 et seq. The publication area is the City and the territory to be annexed. The first publication must be at least fourteen days prior to the date upon which the vote is to be taken.

Entered this 15th day of January 2003.


City of White Sulphur Springs

By its: City Recorder of WSS

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
1	N 42° 28' 10" E	2294.3
2	N 47° 13' 20" E	4392.34
3	N 80° 20' 40" E	6102.71
4	N 39° 46' 50" E	2403.72
5	N 35° 24' 10" E	2085.08
6	N 30° 17' 40" E	2405.84
7	N 33° 17' E	3745.83
8	N 24° 22' 10" W	1046.77
9	N 18° 36' 30" E	7875.10
10	S 52° 36' 10" E	3924.52
11	S 84° 17' W	537.75
12	S 01° 41' 50" W	1000.91
13	S 19° 27' 10" W	784.15
14	S 86° 48' E	430.88
15	N 20° 55' 40" E	330.42
16	N 74° 34' 30" E	200.45
17	S 19° 29' 10" W	704.89
18	N 74° 39' 50" E	1594.36
19	S 66° 06' 10" E	591.51
20	N 83° 05' 30" E	326.50
21	S 16° 13' 40" W	936.87
22	S 42° 53' 40" W	5190.08
23	S 20° 39' 10" W	2662.47
24	S 17° 03' 50" W	485.47
25	S 78° 55' E	787.14
26	S 45° 05' 40" W	3003.86
27	S 57° 54' 50" E	865.34
28	S 78° 01' 10" E	699.31
29	S 40° 57' 30" E	315.42
30	S 50° 25' 30" E	3053.07
31	S 56° 31' 10" W	611.07
32	S 52° 58' E	605.10
33	N 72° 47' 30" E	300
34	S 20° 23' 30" E	427
35	S 21° 45' 22" W	1151
36	S 50° 14' 38" E	338
37	N 44° 24' 52" E	921
38	N 39° 21' 23" E	757
39	N 43° 32' 02" E	412
40	CURVE R=1580	L=1378.36

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
41	S 35° 09' 28" W	240
42	S 15° 47' 47" W	74
43	S 71° 12' 45" W	305
44	S 13° 30' 47" W	34
45	S 70° 55' 07" W	98
46	S 26° 56' 39" E	89
47	S 35° 08' 01" W	574
48	N 47° 00' 10" W	499
49	S 45° 19' 05" W	988
50	S 47° 00' 10" E	498
51	S 45° 37' 16" W	1139
52	S 32° 04' 13" W	494
53	S 64° 46' 51" W	819
54	S 45° 40' 05" W	564
55	S 45° 19' 09" W	640
56	S 45° 14' 44" W	803
57	S 52° 06' 55" W	2804
58	N 26° 36' 38" W	50
59	N 85° 55' 28" W	190
60	S 49° 08' 58" W	47
61	S 40° 08' 31" E	94
62	S 76° 15' 16" W	1380
63	S 82° 31' 57" W	700
64	S 84° 19' 57" W	617
65	CURVE R=2090	L=496
66	S 85° 25' 35" W	919
67	N 67° 54' 36" W	556
68	S 87° 04' 06" W	570
69	N 77° 39' 53" W	817
70	CURVE R=1820	322.80
71	CURVE R=1580	504.14
72	S 68° 30' 59" W	101
73	N 19° 14' 41" W	30
74	S 71° 34' 39" W	172
75	N 84° 50' 11" W	418
76	N 21° 06' 30" E	315
77	N 89° 46' 42" W	931
78	S 02° 52' 23" E	53
79	S 87° 07' 37" W	120
80	N 02° 52' 23" W	59
81	N 89° 43' 30" W	200

OUTER BOUNDARY FOR PROPOSED ANNEXATION DECEMBER 2002

LINE NO.	BEARING	DISTANCE (FT)
82	S 82° 35' 04" W	1398
83	S 03° 05' 54" W	535
84	S 13° 35' 42" E	303
85	S 78° 18' 36" W	154
86	N 09° 21' 55" W	22
87	S 80° 04' 59" W	98
88	S 82° 35' 39" W	126
89	S 85° 45' 19" W	117
90	S 88° 59' 29" W	84
91	N 87° 52' 11" W	91
92	N 84° 11' 41" W	97
93	N 79° 18' 41" W	154
94	N 73° 35' 01" W	132
95	N 68° 34' 51" W	122
96	N 63° 42' 11" W	123
97	N 58° 55' 31" W	116
98	N 54° 06' 01" W	123
99	N 48° 43' 31" W	213
100	N 48° 26' 41" W	215
101	N 55° 21' 41" W	115
102	S 34° 38' 19" W	30
103	N 55° 22' 11" W	70
104	N 64° 07' 21" W	147
105	N 72° 03' 01" W	154
106	N 79° 24' 01" W	195
107	N 57° 34' 16" W	609
108	S 88° 07' 18" W	329
109	N 72° 31' 50" W	909
110	N 67° 52' 42" W	70
111	S 87° 51' 56" E	5
112	CURVE R=241	L=278
113	N 65° 57' 24" W	336
114	S 23° 16' 21" W	47
115	N 66° 11' 26" W	706
116	N 24° 02' 38" E	55
117	N 59° 29' 20" W	403
118	N 50° 41' 23" W	693
119	N 63° 16' 53" W	433
120	N 50° 00' 05" W	673

TOTAL AREA = 5181.71 ACRES

TOTAL AREA INCLUDES 29.87 ACRES ALREADY LOCATED WITHIN
CORPORATE LIMITS.

TOTAL AREA INCLUDES 18.03 ACRES OF EXISTING RIGHT OF WAY FOR
US ROUTE 60 AND GREENBRIER COUNTY ROUTE 60/14.

TOTAL AREA INCLUDES 54.06 ACRES OF EXISTING CONTROLLED
ACCESS RIGHT OF WAY FOR I-64.

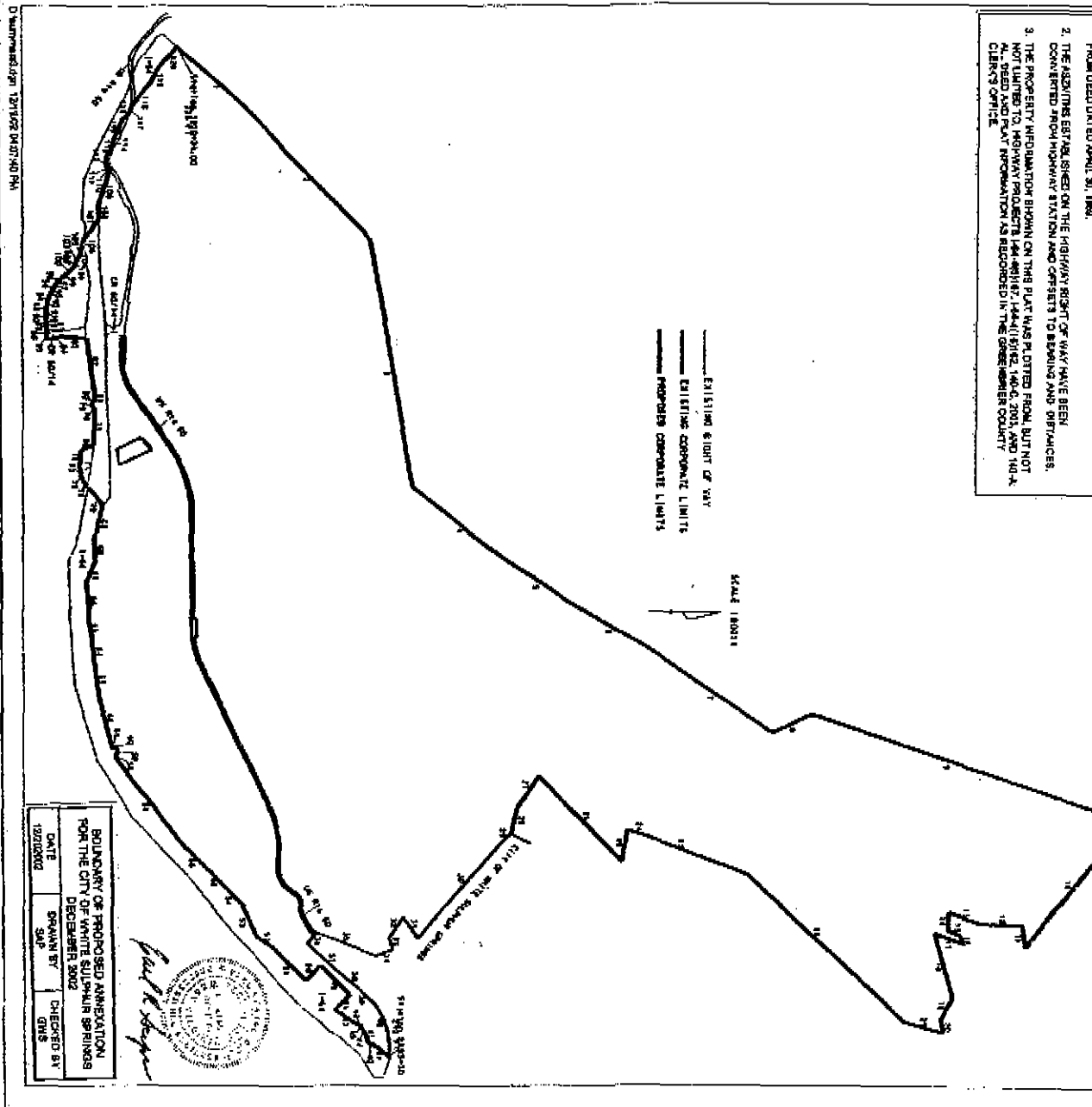


EXHIBIT D



Secretary of State's Office
Building I, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

State of West Virginia
Joe Manchin, III
Secretary of State

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Corporations: (304) 558-8000
FAX: (304) 558-0900
www.wvsos.com

January 24, 2003

Andrew S. Zettle
Huddleston, Bolen, Beatty, Porter
& Copen, LLP
P.O. Box 2185
Huntington, WV 25722-2185

Dear Mr. Zettle:

I am writing in response to your letter to Secretary Manchin dated January 21, 2003 concerning the upcoming annexation election in the city of White Sulphur Springs. I have been in contact with the city recorder, Richard Romeo about this situation. Enclosed is a copy of my letter to Mr. Romeo concerning election law as it relates to this situation. I think my letter addresses your concerns raised to Secretary Manchin.

If you need additional information, do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. W. Helmick".

Teresa W. Helmick
Director of Public Division



Secretary of State's Office
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

State of West Virginia
Joe Manchin, III
Secretary of State

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
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FAX: (304) 558-0900
www.wvsos.com

January 24, 2003

Richard Romeo, Recorder
City of White Sulphur Springs
34 West Main Street
White Sulphur Springs, WV 24986

Dear Mr. Romeo:

I am writing in response to our conversations earlier this week about your upcoming annexation election in White Sulphur Springs. As I expressed to you when we spoke, I am concerned about the manner in which the town council has chosen to carry out the annexation election. The Resolution entered by the city on January 15, 2003 requires that an election be held on February 14, 2003, that the period of absentee voting be extended beyond the election day (for an unspecified period) and also that votes not be counted until the absentee voting period ends.

Chapter three of the West Virginia Code pertaining to all elections held in West Virginia provides specifically for the time periods allowed for mail-in absentee voting, special in-person absentee voting, regular in-person absentee voting and emergency absentee voting. The earliest of these periods begins forty-two days before election day (mail-in and special), and the latest of these periods ends on election day (emergency). There is no statutory authorization for absentee voting to extend beyond election day.

In addition, the West Virginia code also mandates how and when votes shall be counted. All votes associated with an election must be counted after the polls close on election day except mail-in absentee votes post-marked by election day and received by the canvass and challenged ballots. These two types of ballots are counted at canvass, which by law must be held on the fifth day after election day.

As I explained during our earlier conversations, the calendar associated with any election is very complex. Each step from setting the election to certifying the results is set by code and must be strictly enforced. Unfortunately, the municipal code pertaining to annexation elections has language which conflicts with the fundamental requirements of elections where it requires that annexation elections be held between twenty and thirty days after the city

council orders the election. Complying with this requirement is not consistent with allowing the full period of absentee voting.

As the recorder, you are the chief election official for the city. It is your responsibility to order ballots (along with your two ballot commissioners), conduct absentee voting and administer the election on election day. If you need any assistance in setting up a calendar for an annexation election or any other assistance, do not hesitate to contact us.

In the meantime, it is my recommendation that the city council rescind its order for an annexation election on February 14, 2003, and set a new election date that is not in conflict with chapter three of the West Virginia Code pertaining to absentee voting and counting votes. In addition, the city council should keep in mind the calendar for the upcoming city election in June so as to avoid holding two elections so close together that there is overlapping of the end of one (canvass, contests, court challenges, etc.) with the beginning of the other (forty-two days of absentee voting). If you need additional information, do not hesitate to contact me.

Sincerely,



Teresa W. Helmick
Director of Public Division